

PATENT
Customer No. 22,852
Attorney Docket No. 05725.1224-00000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
)
Marie-Laure DELACOUR et al.) Group Art Unit: 1611
)
Application No.: 10/614,016) Examiner: CHANNAVAJJALA, L. S.
)
Filing Date: July 8, 2003)
)
For: COSMETIC COMPOSITION HAVING) Confirmation No.: 9511
A PASTY TO PULVERULENT)
TEXTURE AND THE COSMETIC USE)
THEREOF)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

VIA EFS WEB

Sir:

DECLARATION UNDER 37 C.F.R. § 1.132

I, Jean-Louis MATTEI, declare and state that:

1. I am a French citizen, residing at 34 avenue Auguste Rodin, 92190, Meudon, France.
2. I have been awarded an ESCOM Chemical Engineer degree in 1985 and a UTC Process Engineering Ph D in 1991
3. I have been employed by L'ORÉAL since September 1997 and I am presently in charge of the Applied Research – New Technologies Laboratory at L'ORÉAL.
4. Given my education and experience, particularly in the areas of Textures and Foundations, I consider myself able to provide the following testimony based on the experiments set forth below, which were conducted under my supervision.

COMPARATIVE TESTS**A. Compositions**

5. Five compositions were prepared as set forth in the table below. Compositions [Inventive 1 and 2] are inventive compositions comprising from 10 to 50% by weight of pearlescent agent and having A/B and C/B ratios in accordance with the present invention. Comparative compositions 1, 2, and 3 are compositions not in accordance with the present invention. Percentages are expressed as percentage by weight.

	Comparative 1	Invention 2	Comparative 2	Invention 3	Comparative 3
Particulate Phase (B)	40	40	40	50	50
Pearlescent agent	5	40	0	50	0
Talc	35	0	40	0	50
Binder (A)	60	60	60	50	50
Polysiloxane (C)	32	32	32	31,5	31,5
Water	28	28	28	18,5	18,5
Ratio A/B	1,500	1,500	1,500	1,000	1,000
Ratio C/B	0,800	0,800	0,800	0,630	0,630

B. Texture Observations

6. The observations of the textures of the compositions are as follow:

	Comparative 1	Invention 2	Comparative 2	Invention 3	Comparative 3
Observations on the textures of the compositions	Fragile cylinder, crumbly	Pasty cylinder	Fragile cylinder, crumbly	From pasty to Powdery cylinder	Not possible to obtain a cylinder, too powdery

7. As can be seen from the above results, 0 or 5% of pearlescent agent in the composition does not give the appropriate texture (comparative 1 and 2), whereas 40 % of pearlescent agent in the composition results in a pasty cylinder. Moreover, 50% of

pearlescent agent in the composition still results in an acceptable texture (invention 3), but 50% of talc results in a composition that is completely powdery, and it is not possible to obtain a cylinder (comparative 3). The presence of a pearlescent agent makes it possible to obtain a pasty to pulverulent texture, which was not possible with talc or with any other particulate material.

C. Cohesion Analysis

8. In order to show that "the composition according to the invention exhibits good cohesion," as disclosed in the present application on page 4, I. 3-5, the inventors submitted the above samples to a drop test. Each sample was dropped 10 times from a height of 20 cm.

9. Compositions according to the invention passed the test. On the contrary, comparative compositions 1, 2 and 3 broke after the first drop. Accordingly, the inventive compositions passed the test, which means that the cohesion of the powder is very good.

10. I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated: March 26, 2010

By:

Jean-Louis MATTEI

